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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,111	01/17/2002	Joseph A. Schrader	164052.04	3342

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EXAMINER

SHANG, ANNAN Q

ART UNIT PAPER NUMBER

2623

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/052,111	<b>Applicant(s)</b> SCHRADER ET AL.	
	<b>Examiner</b> Annan Q. Shang	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/06, 1/03, 8/02</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by **Alexander et al (6,177,931)**.

As to claim 1, note the **Alexander** reference figures 1 and 5-10, discloses system and method for displaying and recording control interface with television programs and further discloses a method for digitally recording a broadcast television program in an audio/video entertainment system, comprising the steps of:

(Information Box or TV Receiver 'IB' 24) Receiving enhanced content including preview information concerning at least one broadcast television program (figs.1, 5-10) and an event identifier (ABC, FOX, etc., channel number or program title) associating the enhanced content with the at least one broadcast television program (col.2, line 62-col.3, line 20)

presenting the preview information and a selector button (Buttons 44 or 46) on a video display (Display 10, col.3, lines 1-20, col.4, lines 28-48 and col.7, line 66-col.8, line 17);

In response to viewer selection of the selector button, causing the entertainment system to automatically tune to the broadcast television program associated with the event identifier when the program is actually broadcast; and digital recording the broadcast television program on a storage medium (col.9, line 65-col.10, line 29, line 64-col.11, line 28, line 45-col.12, line 21).

As to claim 2, Alexander further discloses tuning to a second broadcast television program while the digitally recording step is being performed (col.14, line 26-col.15, line 3).

Claim 3 is met as previously discussed with respect to claim 1.

As to claim 4, Alexander further discloses where the preview information corresponds to future sports TV programming (col.11, line 64-col.12, line 9, col.13, lines 24-33 and col.18, lines 13-65).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alexander et al (6,177,931)**.

As to claims 46-48, **Alexander** further discloses (Information Box or TV Receiver 'IB' 24) Receiving enhanced content including preview information concerning at least one broadcast television program, during the broadcast program (figs.1, 5-10) and an event identifier (ABC, FOX, etc., channel number or program title) associating the enhanced content with the at least one broadcast television program (col.2, line 62-col.3, line 20); processing the enhanced alert data to determine an extended recording time for the broadcast program and automatically changing the record time of the broadcast program to the extended record time (col.11, lines 9-col.12, line 21).

Alexander further teaches displaying conflict message if the EPG detects overlaps in date, time and duration if newly instructions are received from the view as to recording (col.12, line 54-col.13, line 13) including on-screen notifications to alert the viewer to any number of possible items of information (col.14, line 48-col.15, line 31).

Alexander fails to explicitly teach displaying an enhanced user alert during the broadcast program, a user alert containing metadata concerning the duration for the sporting event and unique identifier and a user alert concerning a televised event and at least one event identifier and automatically recording the broadcast program, the televised sporting event, etc., to the extended record time.

However, Alexander teaches a receiver which automatically receives an alert as to the duration of a program to be recorded and automatically adjust settings to compensate for the extended duration.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Alexander teaching to include a user alert to override previous settings of the receiver to make up for and conflicts in the recording of programs as a result of television programs that extended beyond the their duration.

5. Claims 5-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alexander et al (6,177,931)** in view of **Pierre et al (7,000,245)**.

As to claim 5, note the **Alexander** reference figures 1 and 5-10, discloses system and method for displaying and recording control interface with television programs and further discloses a computer product for use in a network environment having at least one client system (Information Box or TV Receiver 'TVR' 24) and one broadcast server (Head end) coupled to the network environment, where the network environment is a distributed environment capable of delivering broadcast television programming, the computer program product comprising:

A computer usable medium (Processor of TVR-24) having computer readable code embodied there for causing the client system (TVR-24) to receive the television programming and to receive dynamic content including plurality of program indices corresponding to predetermined time logs for at least one of the programs in the television programming (col.12, lines 11-43);

Computer readable code for causing the client system to store at least a portion of the television programming as at least one program segment on a storage medium

(VCR, DVD or RAM, col.11, lines 9-55, col.12, lines 11-43 and col.33, line 44-col.34, line 25);

Computer readable program code for performing a search for the at least one program segment based on the associated program index (col.12, lines 11-43 and col.19, lines 5-12); and Computer readable program code for causing the client system to display the at least one television program segment (col.12, lines 11-32 and col.19, lines 5-12).

Alexander, teaches storing a library of ads and other enhanced data or events locally, assigns to particular television programs or classes of television programs, retrieves and displays the ads during in-progress programs (col.32, lines 4-7, lines 35-60, col.33, line 38-col.34, line 25 and line 36-col.35, line 12), but fails to explicitly teach associating one of the program indices with at least one stored program segment.

However, note the **Pierre** reference figures 1-5, discloses a system and method for recording pushed data and further discloses associating one of the program indices or objects with at least one stored program segment, by locating corresponding interval within the recorded program and associating certain ones of the event indices developed in accordance with program specific rules and allows customized playback for the recorded content (col.4, lines 50-62, col.6, line 65-col.7, line 19 and line 61-col.8, line 6).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Pierre into the system of Alexander to updated stored program(s) with real-time or live ads or enhanced data during playback

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of recorded program(s) and further permit customized playback of the recorded programs.

As to claim 6, Alexander further discloses where the dynamic content includes control data associating the dynamic content with at least one user interface (col.12, lines 33-43).

Claims 7-9 are met as previously discussed with respect to claim 5.

As to claims 10-12, Alexander further discloses where the dynamic content received by the client system further includes an event-based indicator, and where the computer program product further comprises computer readable program code for adjusting the record time of a television program based upon the event-based indicator, comprises computer readable program code for extending the record time based on the event-based indicator and further for reducing the record time of a television program based upon the event-based indicator (col.11, line 64-col.12, line 9).

As to claim 13, Alexander further discloses where the dynamic content received by the client system includes an event-based indicator, and where the computer program product further comprises computer readable program code for causing the client system to automatically record a television program based upon the receipt of the event-based indicator (col.11, lines 64-col.12, lines 9).

As to claim 14, note the **Alexander** reference figures 1 and 5-10, discloses system and method for displaying and recording control interface with television programs and further discloses a method for creating digital video recording enhancements for a television program comprising the steps of:



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(Head end 'HE' or Broadcaster 'BC' col.2, lines 62-67) creating program event log indices marking events in the program meeting program-specific rules; Creating one or more control files associated with the program event log indices to facilitate receipt of user input at a client system (col.12, lines 11-43, col.18, lines 13-37, line 58-col.19, line 12, col.29, lines 14-21 and col.31, lines 48-61);

(HE or BC) Transmitting the program event log indices and one or more control files to the client to enable the client system (TVR-24) to perform an intelligent filter based on processing of the program event log indices in response to user input (col.12, lines 11-43, col.18, line 58-col.19, line 12 and col.31, lines 48-61).

Alexander, teaches storing a library of ads and other enhanced data or events locally, assigns to particular television programs or classes of television programs, retrieves and displays the ads during in-progress programs (col.32, lines 4-7, lines 35-60, col.33, line 38-col.34, line 25 and line 36-col.35, line 12), but fails to explicitly teach where the client system performs an intelligent filtering on processing of the event log indices in response to a user input.

However, note the **Pierre** reference figures 1-5, further discloses where a receiver performs and intelligent filtering on processing of event log indices in response to a user input, such as during playback of a recorded program(s) (col.4, lines 50-62, col.6, line 65-col.7, line 19 and line 61-col.8, line 6).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Pierre into the system of Alexander to

updated stored program(s) with real-time or live ads or enhanced data during playback of recorded program(s).

As to claims 15-17, Alexander further discloses where the program event log indices are created as the program is broadcast, transmitted to the client system in real-time and transmitted after the recording (col.14, line 48-col.15, line 31, col.18, line 13-37, line 58-col.19, line 29 and col.32, line 35-col.33, line 1+).

As to claims 18-24, Alexander further discloses where the program-specific rules relate to sporting events, football, news events, televised movies, preview programs and infomercials (col.12, lines 25-29, col.18, line 58-col.19, line 29, line 48-col.20, line 12 and lines 60-65).

As to claim 25, Alexander further discloses where the event log indices are transmitted in a format that enables the client system to define multiple playback modes of operations (col.2, lines 63-67 and col.12, lines 10-43)

As to claim 26-27, Alexander further discloses where the event log indices are formatted in the Extensible Markup Language and transmitted to the client system in a batch mode (col.8, lines 19-64 and col.29, line 14-col.30, line 16)

As to claim 28, Alexander further discloses where the additional versions of the program log indices are transmitted to the client system in a batch mode (col.8, lines 19-64 and col.29, line 14-col.30, line 16)

As to claim 29, Alexander further discloses where the event log indices are transmitted in a peer-to-peer networking environment ((col.8, lines 19-64).

As to claim 30, Alexander further discloses where one or more control files are used to create a playback application by the client system (col.12, lines 11-21).

As to claims 31-32, the claimed "a method for processing video recording enhancements in a client system..." is composed of the same structural elements that were discussed with respect to the rejection of claim 5.

As to claims 33-35, the claimed "a method for enabling an intelligent skip feature in digital video recording apparatus that is capable of storing one or more programs..." is composed of the same structural elements that were discussed with respect to the rejection of claim 5.

As to claim 36, the claimed "a digital recording device operable to perform an intelligent skip..." is composed of the same structural elements that were discussed with respect to the rejection of claim 5.

As to claim 37, note the **Alexander** reference figures 1 and 5-10, discloses system and method for displaying and recording control interface with television programs and further discloses a method for playing back digitally recorded programming in an audio/video entertainment system comprising the steps of:

(Information Box or TV Receiver 'IB' 24) Receiving enhanced content including preview information concerning at least one broadcast television program to be watched/recorded (figs.1, 5-10), associating the enhanced content with the at least one broadcast television program (col.2, line 62-col.3, line 20), storing the program and enhanced content (col.12, lines 10-43) and the index information concerning the digitally recorded program (col.12, lines 10-32);

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creating a playback application including functionality for creating an interactive user interface on a video display presenting the interactive user interface of a selector button (Buttons 44 or 46) on a video display (Display 10, col.3, lines 1-20, col.4, lines 28-48, col.7, line 66-col.8, line 17 and col.12, lines 10-29);

In response to viewer selection of the selector button, causing the entertainment system to automatically locate at least one of the plurality of indices and presenting digitally recorded programming corresponding to the at least one located index (col.12, lines 10-29 and col.31, lines 34-61).

Alexander, teaches storing a library of ads and other enhanced data or events locally, assigns to particular television programs or classes of television programs, retrieves and displays the ads during in-progress programs (col.32, lines 4-7, lines 35-60, col.33, line 38-col.34, line 25 and line 36-col.35, line 12), but fails to explicitly receiving enhanced content concerning the recorded programming and associating the enhanced content with the index information.

However, note the **Pierre** reference figures 1-5, discloses a system and method for recording pushed data and further discloses associating received enhanced content concerning a recorded programming with the index information of the recorded program (col.4, lines 50-62, col.6, line 65-col.7, line 19 and line 61-col.8, line 6).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Pierre into the system of Alexander to updated stored program(s) with real-time or live ads or enhanced data during playback of recorded program(s).

As to claim 38, Alexander further discloses recording broadcast television programming while the interactive user interface is being presented (col.11, line 9-col.12, line 43, line 53-col.13, line 33).

As to claims 39-41, Alexander further discloses where the playback application includes, markup language files, graphics files, picture files, scripting files, index files and other data and receiving the index file occur after the programming has been broadcast and receiving index information occur during a broadcast of programming (col.11, line 9-col.12, line 43, line 53-col.13, line 33).

As to claim 42, the claimed "A computer program product for use in a network environment having at least one client system and one broadcast server coupled to the network environment..." is composed of the same structural elements that were discussed with respect to the rejection of claim 37.

Claims 43-45 are met as previously discussed with respect to claims 39-41.

### ***Conclusion***

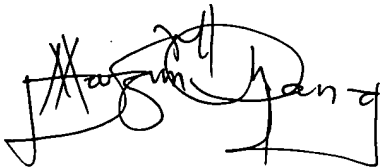
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Payton (5,831,662) disclose NVOD.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic **Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', enclosed within a rectangular box.

**Annan Q. Shang**